

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Stamm et al**

Application No. **09/899,026**

Group Art Unit: **1615**

Filed: **July 6, 2001**

Examiner: **Sheikh**

For: **FENOFIBRATE PHARMACEUTICAL COMPOSITION HAVING HIGH BIOAVAILABILITY AND METHOD FOR PREPARING IT**

Attorney Docket No: 107664.115US3

Assistant Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Laboratories Fournier, S.A. certifies that it is the owner of the entire right, title and interest in Application No. 09/899,026, filed July 6, 2001, entitled "FENOFIBRATE PHARMACEUTICAL COMPOSITION HAVING HIGH BIOAVAILABILITY AND METHOD FOR PREPARING IT" (hereafter the "above-identified application") by virtue of an assignment recorded in the U.S. Patent and Trademark Office on June 17, 1998, at Reel 9260, Frame 0797.

Laboratoires Fournier, S.A. certifies that it is the owner of the entire right, title and interest in U.S. Patent No. 6,652,881 entitled "FENOFIBRATE PHARMACEUTICAL COMPOSITION HAVING HIGH BIOAVAILABILITY" by virtue of an assignment recorded in the U.S. Patent and Trademark Office on June 17, 1998, at Reel 9260, Frame 0797.

Laboratoires Fournier, S.A. certifies that it is the owner of the entire right, title and interest in Application No. 10/290,333, filed November 8, 2002, entitled "FENOFIBRATE PHARMACEUTICAL COMPOSITION HAVING HIGH BIOAVAILABILITY" by virtue of an assignment recorded in the U.S. Patent and Trademark Office on June 17, 1998, at Reel 9260, Frame 0797.

Pursuant to 37 C.F.R. § 1.321, Laboratories Fournier, S.A. hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,652,881 and/or any patent issuing from US Application No. 10/290,333, and hereby agree that any patent so granted on the above-

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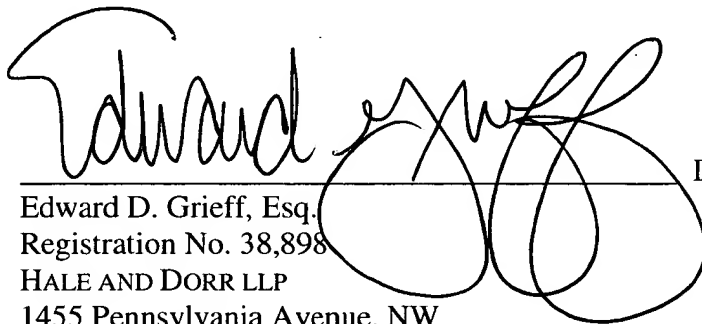
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identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,652,881 and/or any patent issuing from US Application No. 10/290,333, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Laboratories Fournier, S.A. does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,652,881 and/or any patent issuing from US Application No. 10/290,333; in the event that U.S. Patent No. 6,652,881 and/or any patent issuing from US Application No. 10/290,333 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.32(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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